City of Lafayette
Special Meetings of the City Council, Redevelopment Agency, Downtown Strategy Advisory Committee, Circulation Commission, Bicycle Pedestrian Advisory Committee, Creeks Committee, Design Review Commission, Environmental Task Force, Parks, Trails & Recreation Commission, Planning Commission and Senior Services Commission

MINUTES

Lafayette Community Center – Manzanita Room
500 St. Mary's Road, Lafayette, California

April 13, 2009
5:00 p.m.

1. CALL TO ORDER

Mayor Tatzin called the meeting to order at 5:00 p.m.

2. ROLL CALL

Present: Council Members: Mayor Tatzin, Vice Mayor Andersson, Councilmembers Anderson (arrived late), Anduri and Federighi

Absent: None

Downtown Strategy Advisory Committee Members: Kathy Merchant, Tom Chastain, Jeanne Ateljevich, Geoffrey Bellenger, Carol Singer, Buck Hughes, Bart Carr, Ruth McCahan, Scott Honegger, Brayton Noll, Ann Denny, Tom Lee

Circulation Commission Members: Michael Ross, Buck Hughes, Lynn Hiden, Mary-Jane Wood, Gene Holit, Ellen Poling

Bicycle Pedestrian Advisory Committee Members: Bruce Allan, Bart Carr, Claude Aiello

Creeks Committee Member: Scott Honegger

Design Review Commission Members: Tom Lee, Andre Ptaszynski

Environmental Task Force Members: Steve Richard, Bart Carr, Mary-Jane Wood

Lafayette Youth Commission: Brayton Noll

Parks, Trails & Recreation Commission Members: Jeff Peacock, Carol Singer, Judy Nelson, Alison Hill, Geoff Bellenger

Planning Commission Members: Tom Chastain, Mark Mitchell, Jeanne Ateljevich, Will Lovitt

Senior Services Commission Members: Ruth McCahan

Staff: Steven Falk, City Manager; Tracy Robinson, Administrative Services Director; Ann Merideth, Community Development Director; Niroop Srivatsa, Planning & Building Services Manager; Donna Feehan, Administrative Analyst; Mala Subramanian, City Attorney, Joanne Robbins, City Clerk

3. ADOPTION OF AGENDA

ACTION: It was M/S/C (Federighi/Anderson) to adopt the agenda. Vote: 5-0-0. (Ayes: Tatzin, Andersson, Anduri, Federighi, Anderson; Noes: None; Absent: None).

4. PUBLIC COMMENTS - None

Convene Joint Session

ACTION: It was M/S/C (Federighi/Anduri) to convene the joint session. Vote: 5-0-0. (Ayes: Tatzin, Andersson, Anduri, Federighi, Anderson; Noes: None; Absent: None).

5. PRESENTATION

A. Consideration of the Draft Lafayette Downtown Strategy and Specific Plan
Recommendation: The Agency Board should 1) receive the presentation by WRT, 2) discuss the Draft Plan with the Commissions, Committees, and WRT, 3) receive public comments, and 4) continue the discussion to a special meeting on Saturday, May 9, 2009

Mayor Tatzin thanked all who participated in the Downtown Strategy and Specific Plan, said tonight was the first of at least two meetings the Council would hold to discuss the plan and specify the plan and alternatives subject to the environmental impact review. At neither of the meetings will the Council adopt the plan, but at most would describe what the plan is, evaluate it in subsequent environmental review, there will be opportunities for everyone to comment on the review, there will be various hearings, and then this along with the plan will return to the Council for final deliberation and potential adoption.

He was planning to turn the meeting over to Councilmember Anderson because of his greater knowledge and facilitation he has provided which was recognized by all, but he was not present as of yet.

Mayor Tatzin asked for introductions: Brayton Noll, Lafayette Youth Commission, Cathy Merchant, Advisory Committee and Chair of the Library Foundation; Mark Mitchell, Planning Commission; Tom Chastain, Advisory Committee and Planning Commission; Jeanne Ateljevich, Advisory Committee and Planning Commission, Will Lovitt, Planning Commission; Ann Denny, Planning Commission and ex-member, Andre Ptaszynski, Design Review Commission, Jeff Peacock, Parks, Trails and Recreation Commission, Geoffrey Bellenger, Advisory Committee and Parks, Trails and Recreation Commission; Alison Hill, Parks, Trails and Recreation Commission and tentatively on the New Open Space Committee; Judy Nelson, Parks, Trails and Recreation Commission and part-time gardener; Carol Singer, Parks, Trails and Recreation Commission and Advisory Committee for Lafayette Homeowners Council; Richard Hughes, Circulation Commission and Advisory Committee; Gene Holit, Circulation Commission; Lynn Hiden, Circulation Commission; Mary-Jane Wood, Circulation Commission and Environmental Strategy; Claude Aiello, Bicycle Pedestrian Advisory Committee; Bruce Allan, Vice Chair of the Bicycle Pedestrian Advisory Committee; Bart Carr, Bicycle Pedestrian Advisory Committee and the Environmental Task Force; Ruth McCahan, Advisory Committee and Chair of the Senior Services Commission;

Scott Honegger, Chair of the Creeks Committee and Advisory Committee; Steve Richard, Environmental Task Force.

Presentation by WRT:

Jim Stickley, WRT, introduced the WRT team as Steve Hammond, and Susan Poliwka, Ron Golem from Bay Area Economics (absent); Ellen Poling from Fehr and Peers; and Criterion Planners and ICF Internationals representatives who were not present but helped them with sustainability planning and carbon monitoring of various land use scenarios tested during the course of developing the plan.

Mr. Stickley presented the plan which he said has been reviewed and commented upon extensively. He acknowledged and thanked the Advisory Committee members who spent many hours meeting and providing input on wishes and attitudes of the Lafayette community, and said they are in the last stage of the process. They began two years ago collecting base data, mapping constraints and opportunities, exploration of concepts, and started narrowing it to a preferred concept and once a reasonable consensus was reached on the preferred concept, and the Draft Strategy was prepared. He said the purpose of the plan was not to promote development, but anticipate the likely level of growth that will occur in Lafayette and then to help to put tools into place to help guide the growth in a manner that the community wants and one that is consistent with the downtown vision, as well as with the General Plan. The plan is meant to zero in on the downtown aspect of the General Plan, develop it further, bring items up to date and guide change which will be coming to the downtown.

The draft vision of the plan is for a downtown that retains its small town charm, is vibrant with pedestrian activity, is safe and comfortable, offers a variety of unique dining and shopping choices, and has a unique combination of build form and landscape character in keeping with the surrounding natural environment, characterized by oak studded hillsides and cool shady creeks. The vision statement goes onto say, "A downtown that encouraged economic activity beneficial to the community through the encouragement of small local businesses and enhancement of its tax base, generating revenue that continues to enhance and retain a high quality public space environment.

Elements of the plan are structured by Community Character and the Establishment of Districts; Refining Development Regulations; Adding Downtown Parks and Creek Greenways to the Downtown Area; Improving Downtown Circulation and Parking; and Improving the Streetscape of Downtown Streets.

Community Character and Establishment of Districts:

Mr. Stickley said the downtown is made up of areas of distinct areas; the downtown retail area is distinct and different from the east end, which, in turn, is distinct and different than the west end. The question is how to put guidelines and regulations in place that recognizes those differences and actually enhances those character areas even more over time.

The downtown also has distinct activity centers. The plan identifies the districts and recognizes the differences in character, as well as those differences in activity generators, such as Lafayette Square, the new Library, the BART station and others. The plan also seeks to extend the downtown core eastward from where the General Plan defines it, recognizing the new Library as an important new destination. A reinvigorated park theater could also add to this mix of destinations and provide an important cultural use.

The idea of a consolidated downtown core is consistent with what the General Plan has set out to do and further strengthens that idea. The core is made up of three distinct districts; a downtown retail district; a downtown residential district; and a downtown civic and cultural district. The consolidated core also recognizes a walkable zone connected to transit, major activity generators like shopping, and connection to the new Library.

One of the key aspects of the plan is to foster successful retail. A key element is to provide for high clearance, ground floor space. There is a perception in the plan that increasing building height will run counter to the idea of preserving a small town atmosphere; however, the best small towns are distinguished by a vibrant and successful retail scene. They have heard often that in the neighborhood of 14' height retail bays is ideal for high quality retail. Therefore, they tried to find a way to allow for the high retail space on the ground floor and still allow other uses on top of the retail, and still remain within the heights that promote a small town character.

In order to do this, they propose two key changes to the development regulations:

1) Either two or three stories are allowed in the downtown currently. Those additional stories can either be one level of commercial or they could be two levels of residential, but all of it needs to fit within a 35 foot height limit. In the current regulations, if you have a third story of residential within the 35 foot height limit it must be set back 50 feet from the sidewalk. If there is a commercial use on top coming to the full height of 35 feet, no setbacks are required. WRT suggests that this is a penalization of a residential use; it discourages residential mixed use projects and the setback may need to be reduced to 5 feet instead of 50 feet. In essence, the height would be the same, but with a third floor there would be a small step back on the top level.

2) In certain cases, a conditional variance from the height limit would be to allow 42.5 feet for mixed use development if that development either has a setback from the sidewalk or a step back from the right-of-way line at the upper floors. He presented a diagram that shows one example of a setback of the entire building of 15 feet and the second diagram shows a step back of the building at the second floor. Either of these puts the building within the same cone of view one would get from a 35 foot height limit. The plan recommends allowing this in certain cases; going from 35 feet to 42.5 feet if the development is set back or stepped back. The further benefit achieved from this is that it encourages variation along the street wall, for example, the Mercantile Building. By doing this, they can transition incompatible uses within the downtown area like a gas station, to uses that contribute better to the downtown vitality but remain appropriately scaled.

Furthermore, in order to enhance the ability to provide additional housing opportunities downtown, some moderate changes are recommended in the plan in terms of development regulations. There are two specific changes:

1) In parcels near the BART station, all are very accessible to the entrance to BART, and four levels of residential development would be allowed in this area. This would provide similar heights to what occurs at the Town Center Apartments. This is one place that suggests that if you allow additional heights of 4 stories or 45 feet of height, this would be the place to do it because it allows close proximity to transit.

2) The plan seeks to allow additional density within areas that still maintain a 35 foot height limit. This could be in downtown residential areas. Currently, the General Plan caps density at 35

units to the acre and the height limits are regulated at 35 feet. The plan suggests that there are models for giving additional density within that same height limit. He presented diagrams of a residential density in a townhome configuration at 18 units/acre, 27 units/acre, 35 units/acre, and 45 units/acre. Each of them maintains a similar street presence; two facades that face the street.

Adding Downtown Parks and Creek Greenways to the Downtown Area:

The plan is to create a much stronger network of public open space throughout the downtown, and that the creek corridors become the backbone of that network. The network connects different downtown parks; provide an alternate connection or path of travel for pedestrians and bicyclists throughout the downtown area. They worked with the Advisory Committee to establish priorities for new creeks and parks; he presented a diagram of how they broke down individual downtown parks and connected creeks. Honing in on what might be the priority area, looking at a combination of small downtown parks in the shield block which were outlined in red, parks in the Library area, and an expanded gazebo park at the end of Golden Gate where it meets Mt. Diablo Boulevard, and each of the creek segments that connect each of the park clusters together.

Mr. Stickley said the idea is how to create an inviting network of creek corridors, such that restaurants can face onto creeks, pedestrians and bicyclists can use them as green connectors that run through the downtown. Part of what defines the character of Lafayette is its natural environment, and highlighting the creeks would bring that natural environment to the forefront.

The development of creeks is tricky; it will take expert detailed design, a lot of permitting activities, but it is the right thing to do as a downtown. Particularly difficult is along Golden Gate Way by the new Library building. He presented a concept sketch of how Golden Gate Way could be reconfigured from a diagonal parking street to a parallel parking street, thus allowing more room to widen the creek channel, lay back the banks, and create enough room for a greenway path to go through the area.

Regarding parks, one of the top priorities identified in the process was the shield block; not only for a park but for the creek greenway that would run along Happy Valley Creek. The area has received a lot of scrutiny and comment and will likely change. The idea is to create a park, called the Town Green, across the street from Lafayette Square. The park would be connected along Happy Valley Creek to a park at the corner of Lafayette Circle and Mt. Diablo Boulevard. He said this is tough to do, would require relocating Bank of the West which is difficult or deemed practical.

An alternative option shown is that Bank of the West would remain in its location, there would be some parking along Lafayette Circle and the creek would just weave through there such that it daylights the entire creek from the corner across from the access to BART where there is already a day lighted creek. It would continue the theme of a creek greenway and allows people to circulate deeper into the downtown area, all the way to Lafayette Square. He said this would mean that property owners would work with the City in a public/private partnership to reconfigure land uses and make a park parcel available for public use. The land uses are all replaced one-for-one, and the same or a few more number of residential units would come from the process, as well. Current uses are preserved but restructured to create a new Town Green.

Improving Downtown Circulation and Parking:

Ellen Poling, Fehr and Peers, discussed slides focusing on the Circulation plan, said she has been privy of the Commission's deliberations and the Advisory Committee's on the plan and will try and address questions that have arisen. She presented the street network in the plan and addressed the traffic generated by the plan, and said new uses will generate new traffic. An analysis was done last summer that looked at potential traffic generated by the preferred plan as well as other alternatives, and the development envelope that the General Plan allows for. In that preliminary analysis, which will be flushed out by the EIR traffic consultant, showed that this set of land uses generates somewhat lower traffic in the downtown than the General Plan envelope of uses would allow for. She said it will generate additional traffic; their approach to dealing with this is not to widen Mt. Diablo or Moraga Road, First Street and Oakhill, which is against the vision and strategy of the downtown plan, is to potentially provide for additional connectivity in the street system indicated by the dashed lines. The intent is that over time, as new development comes in, provide very minor local circulation streets to supplement what the City already has, provide connections in some cases that allows for very local circulation and property access to happen more efficiently and provide options that do not necessarily require using arterials.

Ms. Poling pointed out that there are two kinds of connections shown in the map. Those just described are minor; there is a secondary, longer term idea shown on the map which is the idea that as part of redevelopment of part of the entire site, changes of land use and redevelopment of some or all of the Safeway site, to extend Moraga Road as a four-lane arterial up to a new connection between the off-ramp and on-ramp to provide a more efficient flow to and from Highway 24. This would relieve sensitive corners where pedestrians are trying to cross. The idea could have a lot of potential benefits to pedestrians and not just traffic flow. There was discussion about whether to include it, but it is in the draft plan but not a proposal, per se, but just the idea to keep thinking about it for the long term.

She said the Bicycle Plan is not intended to re-do the master plan the City already has; it is meant to be consistent with the master plan, although they have street sections in the plan that would find a way to put bike lanes on the downtown part of Mt. Diablo Boulevard and on Moraga Road. Those involve constraints and changes would need to occur; however, it is physically feasible and it would be an improvement to have actual bike lanes and not just signed bike routes on the two arterials.

She presented the third slide for pedestrians, and said the main approach or goal is to close certain sidewalk gaps. They did a detailed walk-through survey of the downtown and found many locations where there are gaps or sections that are substandard in the sidewalk. One priority capital projects in the plan is to close some of those gaps, and in other street sections, provide wider sections of sidewalk. As new minor street connections or alley designs, as they are provided, would give pedestrians the fluidity that vehicles and bikes would also get.

Mr. Stickley reiterated that the effect of the development guidelines and regulation changes that the plan recommends is that there is a rebalancing potentially or encouragement of a rebalancing of land uses which leads to less traffic growth than what the general plan scenario and what those development regulations do. They encourage a tighter mixed use within the downtown area. The plan actually improves upon the assumptions of the General Plan in terms of traffic generation. Then, with further development of the connective network, this further helps in reducing that connection.

He said another important piece of this is the parking strategy. They received a lot of comment, and they are proposing that there is a combination of zones that are identified for different kinds of parking improvements;

1) Aggregated parking zones—areas generally on the interiors of blocks, an extension of the parking zone already behind Pizza Rustica and other shops from Happy Valley down to First Street. The alignment would depend upon how those properties redeveloped over time. This would help property owners organize and aggregate their rear parking areas making them more efficient and get more parking yield out of them.

2) Potential City parking garages or structures—there are three key locations proposed; near the library, near the old theater, near the old Albertson's block and at the Happy Valley Shopping Center. Any could be candidates and all are close enough to the downtown where they would act as an additional parking resource for patrons of the retail areas but they would also be places where employees of the retail areas could park. This would greatly ease the parking supply in surface lots of retail establishments. In the draft plan, they indicated the one near the Park Theater as a priority focus parking structure, but feedback received suggests that this policy should be more flexible and it could be one of the other locations. He said the Park Theater location shows two potential locations—one at Capana Music site and the other one between the Library and the existing park. Either would be good central locations and both would require a public/private partnership and each would yield additional spaces that could be in a podium structure. He noted that surface structures are much less expensive to build, which is also an option in some of the parcels identified.

3) Strategy to adjust parking ratios to better reflect transit proximity. New parking ratio requirements are proposed by the draft plan in accordance to distance to BART. The closer to BART there would be more restriction of the parking ratio. These would be allowable ratios and not required maximums. Therefore, developers would still have the option of building the numbers of spaces they think are required to serve their market, but this would lower the allowable ratio the City would permit.

Improving the Streetscape of Downtown Streets:

Mr. Stickley said distinct streetscapes would compliment the circulation improvements. One way to distinguish one district from another is to have the streetscape look and feel different. They have segmented the entire downtown in different character types, which are labeled, and each symbol would represent a cost assigned to it which can be used to prioritize improvements.

He said the idea is that the character of Happy Valley Road could be much different than the character of Mt. Diablo Boulevard. There would be very deliberate things in terms of the number of lanes, widths for pedestrians, street tree plantings, and the presence of a planting setback or not, wider or double tree row setbacks, bike lanes, on-street parking, and they believe many of these fit within the current rights-of-way, but it needs to be the subject of a more detailed study.

He said East Mt. Diablo Boulevard has been identified as one of the top priorities through the feedback received due to the undesirable nature of the current pedestrian environment. This could be transformed using creative solutions for planting setbacks and medians and the integration of bike lanes.

Implementation is an important aspect of the plan and it cannot be achieved all at once. He presented public improvements to parks, creek greenways, or streetscape projects, and the price tag is almost $64 million, the funds of which are not available. A big part of the dialogue they had with the Advisory Committee was which of the improvements were more important and which

would give the most benefit early on to revitalize retail and create the kind of pedestrian downtown the community desires.

An initial prioritization was done. He said they received quite a lot of feedback on it, and the list will most likely be modified, but the initial prioritization put East Mt. Diablo Boulevard as a very high priority due to the nature and character of the corridor. It is an expensive project due to the sheer length of the corridor on the east end. Filling in missing sidewalk gaps throughout the downtown was seen as something to accomplish very early on to provide a connectiveness to the sidewalk network. A public parking area was designated as a facility in the theater area, which may or may not stay. Shield block improvements; both the parks and greenways were seen as a key central public space improvement.

Mr. Stickley said there are some existing available funds that could be spent today of approximately $23 million, with an additional $17 million anticipated from new development tax revenue. Out of the $17 million, the plan suggests taking off $400,000 a year for operation and maintenance of the public improvements, which was of big concern. He said there is the ability to use some of the General Fund property tax growth. It would start out as smaller and as new facilities are built; this would grow over time as new development tax revenue grows.

There is also an additional $55 million of affordable housing set-aside, some of which is already available and would be coming in as additional development occurs. This money can also be used for the introduction of some downtown housing.

In conclusion, Mr. Stickley then illustrated what the plan summarizes as changes that would be to all of the current regulatory documents and presented a portion of the matrix of what changes would be.

Mayor Tatzin requested Councilmember Anderson chair the remainder of the meeting, as he had arrived.

Councilmember Anderson apologized for being late, and said he wanted each of the different commissions to make a presentation of their recommendations on the plan and there would then be a break at 6:30 p.m., receive public comment, and adjourn into a future workshop. He recommended starting with the Senior Services Commission because there was good representation on the Advisory Committee.

Senior Services Commission Comments:

Ruth McCahan, Senior Services Commission Chair, said after reviewing and discussing the proposed plan, the Commission feels very strongly that there are a number of issues which need to be addressed and that are not currently addressed completely in the plan. They include housing, mobility, circulation and transportation and support services and quality of life. They are looking to make the community a good place to age, supporting aspirations of everyone to stay healthy, live independently and lead full and productive lives. She said the California Department of Finance projects that Contra Costa County will experience a 91% increase in the residents ages 65 and older between 2000 and 2020. It is believed that Lafayette will have a similar growth, as it is an older community than the county is currently. In the year 2000 census, Lafayette had a senior population of 14.5%. According to this increase, it would put Lafayette close to 30% seniors in the year 2020. We feel we need to prepare for this eventuality.

Ms. McCahan referred to housing and said the plan should provide for exceptions to be made in parking requirements, dwelling units per acre restrictions, and height restrictions to facilitate housing projects for seniors in the downtown area. They hear often that while they may not be able to stay in their own homes, seniors do not want to leave Lafayette, so it is imperative that we provide housing for seniors in the community and in the downtown area.

The second major consideration is mobility. The issue of sidewalks has been surprisingly controversial. Many would prefer to leave things as they are, but the commission would propose that the plan include assurance for continuous and safe crossings of busy streets, safe pedestrian walkways (not necessarily sidewalks), particularly for those who can no longer drive and cannot walk very well.

The third area of concern not addressed as fully as it should be is circulation and transportation. For those who live outside the downtown core, there should be transportation included in the plan to provide older adults with access to the downtown retail district and to the civic and cultural districts.

Lastly, is support services and quality of life; the Commission feels strongly that the City needs to provide support services and educational and cultural programs and make them available to all Lafayette citizens and senior residents. They propose a multi-purpose center in the downtown, rather than one over 2 miles from downtown, be included in the plan.

Parks, Trails and Recreation Commission:

Jeff Peacock gave a presentation on their focus of comments on the January 2009 plan, said they have been attending all meetings and workshops and provided comments in September and March. The idea of downtown parks has been strongly supported by residents consistently, he knows how hard it is to fit them in and it is worth taking the time to do this. Ideas in the downtown plan do a pretty good job of reflecting their suggestions. They believe it is important to set goals for the long term, they made a few changes to their recommendations, and think this is consistent with one of the key strategies for the downtown which is to define and create a town center public space that accommodates a variety of different activities. They are recommending as a starting point, the quarter acre for a multi-use open space downtown. They support three of the downtown park proposals, a modified shield block, the library park and the gazebo park. They do not support the other two because they feel the areas do not accommodate a park, and are better used as a creek enhancement, as a greenway with some benches or other amenities.

Regarding trails and pathways through the downtown area, they support any and all; it is their mission to get people to walk. There is a pathway shown in the downtown they do not support, which is the EBMUD aqueduct right-of-way, which is an area that would be extremely expensive to build a pathway due to the steepness, the need to build pedestrian bridges, its dangerousness, and the unpleasantness of walking along the freeway. They also want the plan to focus on the idea of joint pedestrian and bicycle use, but there needs to be enough room to maneuver this safely. Rather than they should be multi-use trails, they need to find where they would be reasonable and where it would be more reasonable to stick to a single use, understanding the dangerousness of the areas.

In addition, they had comments on the language and organization in the plan from early on and urged these be taken into consideration in moving forward.

He presented the Library Park, which they envision as an active park. Children's play equipment would work well, the area is traversed by many school children and will have even more pedestrian traffic once the library is open, and it may have some residential development along Golden Gate as well, so they see this as a desirable amenity for the downtown area.

He presented the Gazebo Park, and they see this as more of a passive park for people to sit and enjoy themselves without much activity, and one that fits very nicely into the area of the city. There are good connections into the regional trail system also.

He presented the Shield Block Park and said they would recommend a slight modification; in the previous slide there was a red square around the entire park area and in this case, the red square is around the entire lot. They recommend reducing this to the area outlined in green. The proposed park would be the area used during the Wine and Art Festival as an outdoor tavern or wine tasting area. He referred to Section 7 in the packet where this is proposed.

He said it is critical to include the ¼ acre site for a park with a more urban profile; the large, signature oak trees must be preserved in the area, they want to integrate the creek side setting as a retail location and possible event space, it does not need to be a large green or have a children's play area, but an area where people can sit and have lunch, where they can circulate from shop to shop walking, and he referred to San Anselmo which has a creek park which is very similar, and which was a great success for people to hang out, shop, listen to music, and has had a tremendous impact on the retail establishments. He said the Greenway and Shield Block Park could very much become a similar public amenity and add a lot to the downtown shopping experience. There is opportunity to expand this as other room becomes available, but they would recommend this as the first toe-hold for the downtown plan.

Regarding trails and paths, the key is creating a pedestrian-friendly downtown, multi-use paths at least 8 foot wide clearance, and they believe the EBMUD aqueduct has intrinsic problems that do not make it feasible as a location for a path.

In conclusion, he asked to include the Shield Block, the Library and Gazebo parks, make sure trails, pathways and walkways are clearly shown and pick those that should be multi-use and make sure more detailed comments are included.

Creeks Committee:

Scott Honegger said their comments fall into two categories; 1) public access greenways and restored riparian corridors, and 2) water quality. Regarding restored riparian habitat, the Creeks Committee is ecstatic with the recommendations of WRT. They submitted two sets of recommendations which have been completely accepted. WRT has recommended some creek corridor improvements that the Committee has not endorsed, which is the segment along Old Jonas Creek near the intersection of St. Mary's Road and Moraga Road. Otherwise, the proposals to daylight part of Happy Valley Creek next to the Bank of the West Building and integrate an expanded walkway to La Fiesta Square is a wonderful idea. They want to make sure sufficient width is dedicated off of the centerline of the creek to accommodate effective habitat restoration as well as a public access walkway.

The segment along Golden Gate Way, which is now a channelized portion and unsightly is under the jurisdiction of the Contra Costa Flood Control District. This can be opened up to be an inviting creek greenway which would be a stellar addition to the community, and it is being proposed to be

integrated with at least two parks sites, including the gazebo area at the confluence of Lafayette Creek and Las Trampas Creek.

Regarding water quality, an item that needs to be highlighted and focused on is that a goal(s) and policies should be provided articulating that development and redevelopment of the streets, sidewalks and of the downtown should provide that impervious areas be redesigned in accordance with Green Streets Principles. This is low impact development which lessens the impact of urbanization on storm water quality and quantity. Concepts include porous pavement, bio-retention, green roofs, disconnection of downspouts from the storm drain system, establishment or restoration of riparian buffers and expansion of the tree box sizes for street trees.

Environmental Task Force:

Steve Richard, Environmental Task Force Member, said over the past two years, the Task Force has reviewed the plan on and off, there has been feedback provided in meetings and individually and the task force is very pleased with how the feedback has been collected and incorporated. Generally, the task force is pleased with the direction of the plan, and particularly excited about some of the items mentioned. Opening up the creeks is exciting, support of more pedestrian and bicycling activity is strongly supported, and the task force is generally focused on reducing our carbon footprint. There are many ways to do this and the plan offers a critical opportunity to think long-term about how to reduce GHG's emitted by the town. The Federal and State government are targeting reduction of emissions by 80% by 2050, so it is important to understand how to do this in the community.

Circulation Commission:

Michael Ross, Circulation Commission Chair, said they submitted a memo on March 5, 2009 which includes several of their concerns. He highlighted their top five priorities, two of which are similar and can be combined:

1) Traffic generated from proposed plans and external factors generating traffic throughout downtown, Moraga, Burton Valley, etc. The next draft of the plan needs to include more traffic information and discussion of factors affecting the proposed plan, trip generation and trip generation external from the plan. He combined this with the mid-day traffic or 11:00 a.m. and 3:00 p.m. which have totally different characteristics than the a.m. and p.m. traffic. With or without the downtown strategy, the Commission has issues with how the downtown streets operate during this time period.

2) The next draft of the plan should discuss why the mid-day traffic patterns are unique and what arrays of options may be applicable. He highlighted that the plan used standardized traffic data which does not account for the different types of trip that go throughout the day through the downtown area. An example is the a.m. and p.m. commute traffic through the downtown area to get to the freeways. There are two schools (elementary and middle) close to the downtown area that uses a.m. to drop off kids and the 2:30 p.m. hour to pick up kids, which is a different traffic flow that does not account for in the standardized traffic data. There is also a lunch crowd which is a non-standardized trip.

3) The proposed street and parking areas preserve options for the development of new streets, but do not depict them on maps. He said Ms. Poling mentioned that they were suggestions

and not actual locations; however, the Commission had issues with the maps. He suggested a general location instead of specific locations.

4) Pedestrian safety flow and convenience, the ability to safely and easily cross streets is critical to the success of the plan, the plan's goal of increasing pedestrian activity in the downtown, further analysis of pedestrian and options for improving pedestrian safety are needed particularly at intersections and at mid-blocks due to the town's "super blocks". While the community has raised some concerns regarding streets south of Mt. Diablo serving vehicle traffic, these connections should be considered for pedestrians and bicycle connections, as they would be convenient and shorten walking distance.

5) Parking. Do not eliminate parking spaces, particularly long-term parking via proposed redevelopment projects without sufficient downtown parking in place. Do not reduce parking requirements already in under-parked areas in the downtown. The park once and walk concept should be an opportunity and not a mandate. He added that the plan also mentions reducing parking requirements of 4 per 1,000 square feet to a 3 and 2.5 per 1,000 square feet, and the Commission does not support this.

Design Review Commission:

Tom Lee, Design Review Commission Chair, said they reviewed the draft plan and have a couple of priorities. Many fall in line with things that have already been said from the Circulation, Parks, Trails and Recreation and Senior Services in that they are looking for the downtown to become a vibrant and pedestrian-friendly kind of area. We feel it is important to the development of commerce in the downtown, the growth of the downtown, something stronger than it is now which will form the tax base upon which all things they believe will be built. The following are their recommendations:

1) Calm down or detain Mt. Diablo Boulevard from Happy Valley to at least Oak Hill and preferably to First Street and the library; it needs to resolve a conflict that they have between people having to get some place very quickly and from people who want to take their time and stroll and shop, and otherwise make use of downtown amenities. They propose a street section that modifies the one produced by WRT which turns it into two lanes of traffic; one in either direction, diagonal parking, broader sidewalks which will enhance landscaping, the ability for street vendors and otherwise referred to as, "you need to be able to j-walk to enjoy shopping plan."

2) Promote parking. The WRT plan shows some aggregated parking. There is a plan for a garage, and this is not so much to encourage driving, but to encourage not driving. They want people to come in downtown and enjoy it for an entire day and need to be able to park and not fear getting a ticket or having other conflicts. Aside from diagonal parking which does not add that many more spaces would be a parking structure or some sort of aggregated or localized parking. The other is an outside of the core area for employee parking.

3) Density and height. They support the idea that you could exceed the present 35 foot height limit. They believe there are a number of ways to trade features for the extra height rather than to hand it out as a freebee. The Mercantile has done a good job of providing public spaces or an augmentation of parks via use of plazas and places where pedestrians and strollers can stop and rest, openings in buildings to preserve views and de-emphasize the creeks revitalization plan due to costs versus benefits.

4) He said the plan is lacking in that it does not articulate specific challenges and issues that face Lafayette or a series of tools and priorities needs to be developed as to where we will exactly focus our attentions, and which kinds of things will yield not only short term benefits as well as long-term benefits.

5) There seems to be a disagreement or lack of definition of what is semi-rural and small town character. They will manifest themselves in downtown design guidelines or commercial design guidelines as they begin to identify personal scale, rhythm and height, and whether or not a 14 foot ground floor bay is right in terms of relationships to other buildings.

Youth Commission:

Brayton Noll said they want to see a downtown that is more accessible because a lot of teens will go downtown to hang out with friends, and there is no where to do this. At Moraga and Rheem they have a Nation's Burger, and this is why a lot of kids hang out at the Safeway and inevitably cause problems with customers. They want to see a more age-friendly town that can help accommodate both aging and younger individuals to make the town more accessible to everyone.

Councilmember Anderson recognized and commended Brayton Noll for his commitment and participation at the 25 or so meetings held on the DSP.

Planning Commission:

Tom Chastain, said he has also been on the Advisory Committee, said their recommendations are in a set of comments, a map and memo that accompanied the map on zoning and heights, a memo from Commissioner Ateljevich and a new vision statement. He said he would address five basic points that they see as key to planning decisions:

1) Process of the review, time and iteration. He said hearing other comments helps in their discussions. The issue is not so much that they would like to have more time but an iterative process where they get to see this information return again and have a chance to consider it again. Also, he reports back to the Planning Commission and there has been some confusion in the draft plan which hopefully will be clarified, such as local streets. It was represented as being an idea of access and not so much a street. He represented to the Planning Commission that it was access and not just a street decision. If it is a street decision, this might be one of their main points.
2) They understand the requirements of the schedule. Given this, they would at minimum like to see the draft plan come back to them prior to the EIR and that the Commission be involved in the scoping of the EIR.
3) The Commission has proposed a new or revised vision statement. He recused himself from the discussion on this because he spent all last summer doing the first one along with fellow members. Fresh eyes is good, and amongst issues was that it was very important that the statement help to provide clarity and linkage back to the General Plan and specific plans. They are recommending they adopt a new vision statement and look at how this affects some of the narrative and proposals throughout the plan.
4) They are interested in mixed use development; the Commission sees it as positive as well as difficult. One thing the Commission felt that was read into the plan was a prescriptive solution to mixed use as often times; housing over retail. It was described often as being within one building. While they understand this concept, they also believe it is also very difficult to convince a developer of this. At the same time, mixed use is a clear goal to be provided for in

the plan, so it may be subtle but believe they should really look at the definition of mixed use with an equal emphasis on mixed use within a single site.

5) Parking has and will continue to be a major concern. He reported that the Advisory Committee had communicated that perhaps there ought to be a different location for a parking structure investment. If this comes back as a proposal, the Planning Commission would like to offer more recommendations about it. For them, parking was really about an assumption that much of the plan is based on the idea of people using BART. The Commission was not convinced that people use BART to shop in Lafayette; they may use it to commute but people will not come from Walnut Creek to come into the downtown. They were also not convinced of the strategies that would allow for a lessening of parking requirement. Until there is more data that shows reducing parking will work, their recommendation is to retain the existing parking requirements in zoning districts.

6) Height and density recommendations. A subcommittee of the Planning Commission was asked to go out and look at zoning at height and density recommendations come back to the Planning Commission. It was also asked by the Advisory Committee that the Commission do this too. This was done, and basically their proposal is before the Council. He reviewed main points:

   Density. The Planning Commission felt that the recommendations for 65 du/acre were out of character for Lafayette. They have eliminated from their proposal. He said they also have their own issues about what is presented, which they believe needs more study. However, the basic principles are in agreement. They have one area of 45 du/acre which is labeled E and adjacent to the BART station and BART block development area. The other areas remain 35 du/acre.

   Height. He presented an area at the west end which is an overlay 35 foot height, and 35 du/acre area which they are describing as 25 feet to ensure that when one enters the downtown, they maintain a low scale of buildings as a set of entry. The 42.5 foot height was proposed around the hotel. They feel that as an entry into the downtown, it should be kept at the 35 foot height. The arrows on the plan are from the General Plan, so they mapped protected views on the map as a way for them to understand height. He discussed the geography, topography, position of Highway 24 to the town, they do not recommend beyond the 35 foot. For the Brown Avenue area, they propose another two-story overlay to try to maintain the character of that area. If those uses are there in smaller buildings, the only way they will remain there is to ensure it is not an area for prime development for bigger buildings. He referred to a cultural district, said there is an existing set of housing uses, and they are proposing this be seen as housing and not mixed use. They are not changing the density but are changing the height of the building. They anticipate the fact that they could use some redevelopment in the area; that if an owner wanted to redevelop an area, this would give them an incentive to use bigger units and upgrade the housing in that area. They also feel the height can handle the additional height and not be silhouetted above Highway 24.

   Views. There are protected views across Safeway and Whole Foods, and they feel it is so extension that they are recommending this not be allowed to be any more than 35 foot in height, and that this be continued across the street to the opposite parcel. The area labeled C.1. on the map is an opportunity, they see it as being able to handle the additional height in part because of the topography on the site. They feel it could accommodate the larger height on the south side, but on the Mt. Diablo side, they recommend it remain as two or three story, 35 foot in height to match across the street. He referred to a green area and said the Commission recommends allowing the higher height. They also see it as a conditioned use and very important to describe what that is; as

deeper setbacks than what was in the draft plan. They see it as being allowed by certain open requirements, by height variation and through courtyards, paseo's and other kinds of qualities. This provides the ability to manage the development of these properties in a way that captures a lot of what they like about Lafayette, which is irregularities, some informalness, and less packing of buildings. This should be an area that is prime for some redevelopment and an area which could handle some height limit. There was some concern as to what this actually meant, and this should be studied in terms of the relationship of this side of the district and the other side of the district. They are recommending a 35 foot height on one side partly because of the residential uses beyond. In the central core area, they are recommending the 43 foot height. They eliminated the 6 inch piece and rounded it up, again with conditions to actually ensure good and positive development. It also helps develop an incentive for being prime retail space, but two areas should be additionally conditioned. Both contain protected views in the General Plan; the corner of Happy Valley and Mt. Diablo, and across the street. A question repeatedly came up by the Commission as to what this actually means. It could be that if the Commission conditions this site as having to accommodate a protected view, a one-story building may be all that could be built there, and he thinks this would be understandable and would allow for the underlying zoning to be consistent and then an overlay be put on top of that. However, their recommendations do not spell it out clearly, and there is a great deal of concern about how these pieces of the site could eventually be developed.

They are seeing one other piece of residential use and not mixed use, and they do not see the road being able to carry traffic, and recommend it as 35 feet high.

Finally, the area called E which they are proposing higher density and the 43 foot height to promote higher density housing in association with BART.

Downtown Strategy Advisory Committee

Councilmember Anderson said it has been an amazing experience to be the clearing house given the membership of all the different commissions. They have been able to identify a lot of the issues that each of the commissions has gone back and reviewed, applied their expertise, and in the Committee's set of recommendations, a lot of things will be seen as already described. Added is that they did decide that in terms of priorities, it would be very important to hit five (5) priorities, which are not in order of preference:

1) Increasing public parking in the downtown retail district, including off-site employee parking, very important to improve the viability of the downtown for the park and walk fee;
2) Shield Block improvements. There was a lot of description on what can happen there.
3) Library Park. Very important place for kids, on the way to the library, a place to recreate across from the Library.
4) Mt. Diablo Boulevard Downtown Streetscapes. The desire was to invest in the area that is already in use and get it completed with the downtown improvements, so they do not have to return at a later date and tear things up once things have become very popular.
5) Deal with all pedestrian walkway gaps identified fairly quickly for good circulation.

Councilmember Anduri questioned and confirmed that Mr. Peacock, Parks, Trails and Recreation Commission, supported the alternative to Shield Block West Park because it focuses on day lighting the creek and there is not a big enough footprint to have a stand-alone park. The issue is where the creek comes out.

Councilmember Anduri questioned that in that alternative, is there enough room to have parking on one side and maintain the building on the other side. Mr. Peacock said the alternative assumes that the culvert day lights almost at an ideal location at the corner of Mt. Diablo Boulevard and the intersection next to the building. He asked public works for their best documents to show exactly where that culvert day lights, and thus far, they are short on documents that specify this information. He is also a little skeptical there will be enough room for parking and an adequate riparian corridor.

Councilmember Federighi questioned if the Advisory Committee had seen the recommendations of the Planning Commission and had an opportunity to comment on them or if they will prior to the workshop. In addition, she said she noticed that the Advisory Committee did not recommend that the Post Office be considered part of the civic area, and questioned why this was.

Councilmember Anderson said they did defer to the Planning Commission the assessment of heights and development of overlay zones. What Tom Chastain presented was something the Committee thought was much more in the purview of the Commission. Regarding the actual districts, there was a recommendation to change some of the lines on the district, particularly to take in all of the Bruzzone property into the central core district or business district. Councilmember Federighi thought the concept was to move the central Post Office to the downtown civic area, but she confirmed this was not proposed or recommended.

Mayor Tatzin questioned whether the Planning Commission or Advisory Committee considered t he Design Review Commission's proposal to change a portion of Mt. Diablo Boulevard to one lane in each direction. Councilmember Anderson said yes; they received a beautiful cross section from Commissioner Lee and everyone had difficulty with it. The sense was that they are not quite ready to shrink down to that scale quite yet.

Councilmember Anduri strongly endorsed what the Senior Services Commission said and agreed with Chair McCahan's remarks. In addition, he agreed with Brayton Noll's remarks about having a downtown for all ages, but he wanted to emphasize that it is most likely seniors who will be living downtown. He felt there was an opportunity to seize; to provide room for empty nesters to live in the downtown, and the plan needs to focus more on that. His only disappointment with the plan is that he believes there is a real opportunity to make the town very friendly to seniors.

Mayor Tatzin said in the Shield Block West Park, the Parks, Trails and Recreation Commission does not advocate young people's specific facilities whereas they do in the Library Park. At the same time, the overall land use portion of the plan calls for increasing the number of Housing Elements west of Moraga Road, which would be more convenient to the Shield Block Park, and some of those housing units will have families who will want to have access to playground equipment. He questioned where children in those housing units should go for recreational opportunities.

Jeff Peacock said there is already a current park for young children on Brook Street, which is one block off of the downtown area. Therefore, it is a toss up as to how to use the land. It seems that it would be best suited to enhance the business district, and it is too small to do both uses, so they look at Brook Street to pick up the playground as active use.

Mayor Tatzin said secondly, of the three parks he questioned whether the Commission set any priorities most important for the downtown. Mr. Peacock said their preference would be the Shield Block Park as a starting point with the second one being the Library.

Vice Mayor Andersson said the way the Planning Commission dealt with the height and density issues have been the focus of concern and issues among members of the Commission and the public. Going in and taking block by block and parcel by parcel and looking at it that way has been extremely helpful and he was pleased to see this. He noted that the DRC expressed support for the density and the height in the plan, and he felt it would be nice to be able to come to a joint recommendation on this. However, much more detail and specificity in dealing with the height and density is very helpful.

Councilmember Anduri said he has done a lot of reading where people have said the plan will reduce the amount of potential retail downtown and increase the amount of housing by 20% more than the General Plan, and he questioned if this was correct. Councilmember Anderson said no, he did not believe the retail would be reduced at all. In terms of housing numbers, it would depend upon what actually comes forward in terms of proposals. The idea of a strong downtown retail core is essential to the entire process, and taking Mt. Diablo Boulevard and making sure it is a good place for people to walk and shop and eat has been a continuous theme throughout, so he did not agree with this assumption.

Councilmember Anduri questioned Mr. Stickley if he had experience with towns like Lafayette where there is a major improvement in the center of town that is the focal point of the town and what that does to the City. His understanding is that this planning is necessary because the Library, when the economy turns, will stimulate development the City will need to be ahead of. Mr. Stickley said they have had experience with towns that have made public improvements. One example is their work with the Town of Windsor which is similar in size to Lafayette. They were concerned that their historic downtown was dying. They decided to lead with a public improvement of the Town Green Park next to the old downtown in the hopes that this would spur the kind of mixed use redevelopment that would enliven the old downtown, which occurred. He said the area is also where the Town has their civic center and library.

Councilmember Anderson announced that Bruce Allan from the Bicycle Pedestrian Advisory Committee did not speak and asked him to do so.

Bicycle Pedestrian Advisory Committee:

Bruce Allan, Vice Chair of BPAC, said they are gratified by the numerous accommodations in the provisions of the Bikeway Master Plan completed two years ago which are included in the plan, they are enthusiastic about the recommendation to reconfigure lanes and striping Mt. Diablo between Mountain View on the west and First Street on the east to provide for bike lanes through central downtown. He said bicycle and pedestrian safety downtown is the BPAC's highest priority, and in developing the Bikeways Plan two years ago, they made the compromise of employing the use of share road markings on the road in that segment to increase safety and accessibility to the downtown for bicyclists of all ages.

Regarding the additional circulation bypass alternatives, even if they are not implemented for vehicular traffic, they would recommend similar provisions for pass and throughways for pedestrians and bikes to easily navigate off street through town. If pedestrians must walk around very long blocks to get around buildings, they may choose to drive from one location to another rather than walk through.

However, Mr. Allan said the Committee is opposed to the proposed new local street segment that extends Happy Valley Road south of Mt. Diablo through to Bickerstaff, which would have the effect of drawing more vehicular traffic on lower volume residential streets which have been

identified in the Bikeways Master Plan as a Bike Boulevard, the purpose of which is to provide a safe bypass of the congested downtown for less experienced bicyclists such as families with children. However, a new connecting pathway at this location restricted to pedestrians and bicycles could be a worthwhile addition.

Bike lanes which cross between the traffic lane and the diagonal parking areas like at the Mercantile is not especially safe for bicycles and is not recommended. He said motorists cannot see bikes coming down and will often pull into the path of a bicyclist, and they would recommend not adding examples of this.

The Committee would recommend providing more benches for seniors and other pedestrians in the downtown. As sidewalk improvements are made, benches should be included, but they would recommend it as a particular initiative to offer sanctioned space which contributes to making the downtown a desirable destination for people watching and participating in the community scene independent of any particular business or civic facility such as the library or other areas.

Regarding the Gazebo Park, Mr. Allan said it is in an isolated location that currently does not attract park visitors. In 20 years as an adult in Lafayette, he has never once seen a person in that park. Further expansion and development of the park should not occur unless it is tied to the creek greenway development on Golden Gate Way, and they do not believe this is a particularly good use of funds. Under those circumstances, it could serve as a desirous destination by itself as well as an eastern and staging area for users of the creek greenway path.

Councilmember Anderson suggested taking a break, reconvene, and thereafter hear public comments and wrap up with final comments.

BREAK
The Council took a break at 7:13 p.m. and reconvened the special meeting at 7:30 p.m.

Public Comments:

(While not included under individual speaker comments, all public speakers introduced themselves and thanked everyone involved for their participation and hard work on the Downtown Specific Plan).

ANN DENNY said the Chamber has followed this closely, held a meeting today and they incorporated amendments proposed by the Advisory Committee and not just the plan as presented by Mr. Stickley. They are in support of the plan, they will continue to monitor the refinements and return with a more complete statement, said Mr. Lifson has a letter which Councilmembers will receive which indicates that at their Chamber of Commerce Board meeting, the Board voted to support, in general, the concepts proposed in the draft strategic plan with amendments made by the Advisory Committee. They understand the amendments will supersede the current General Plan. She said the Chamber commends and applauds the City in their efforts thus far the number of hours devoted to the plan and she urged the Council to take into consideration the concerns of the property owners.

DON LIVELY said the subject takes him back 15-18 years ago when they were on the verge of a landscape and lighting tax for Stanley School with people questioning whose idea it was. After research done, 20% of the population believed that the proposed sports complex was a needed facility. He said the City has a superb Planning Commission, said he was opposed to the Shaping Our Future workshop which was imposed upon the City and said this issue is extremely important

because it represents a radical imposition on the founding concepts that caused the City to incorporate, and he believes that nothing further should proceed without a vote of the community.

BILL BUCHER, Happy Valley Improvement Association, said they provided a letter only today to the City and read it into the record, noting the Association is concerned about changing the character of Lafayette, said the plan encourages higher residential densities, mid-rise development, limited parking facilities and more traffic jams, said it is not in the best interests of residents and requested the plan contain no height or density changes to the General Plan. Additionally, they pointed out traffic congestion, stating the plan should focus development of the businesses that first support the needs of the residents in Lafayette, and secondarily outside shoppers and new business opportunities. He read off a list of businesses residents need, noted that most people's needs to the downtown will involve an automobile and they do not believe increased residential and business uses adequately addresses better traffic flow for residential neighbors. They also do not support any plans to open up or relieve traffic flow particularly for Mt. Diablo and Happy Valley down to the center of Bickerstaff, citing negative impacts on residential neighborhoods. They also do not support reduction of parking and demand for downtown residential housing units as they believe it will impacts schools.

Mayor Tatzin said he discussed this with school board members who indicated enrollment is declining but they could also change school boundaries to address any impacts. Regarding traffic, his understanding is that one of the assumptions of the plan was that for a given amount of residential development, if placed in the downtown, some people would drive but some might walk. Whereas, if all development was put in Happy Valley, they would all drive. He questioned if the association's view was not to have added residential development, or if we do, should we disperse it throughout the community as opposed to concentrating it in the downtown, or something else.

Mr. Bucher said their view is that the current plan would negatively impact residents who do have to drive downtown. He did not know whether or not lessening it or spreading it out or creating better traffic flow would help, but their point is they need to use services in town and must drive there and they hope the plan will address this.

ELIOT HUDSON thanked everyone for their hard work, said his comments address two issues: 1) heights along Mt. Diablo Boulevard including setbacks; and 2) densities proposed. Mr. Stickley indicated that the plan was not to promote development, but at the February workshop, he said exactly the opposite, stating the plan was directed and tasked as a way to attract development to the downtown, which it does. He said the hills define Lafayette's natural environment which can be seen from everywhere downtown in the City, except for the new building in town that has a higher height which he believed the town did not need more height or density to promote diversity and retail. He said the economic analysis done in 2008 states that, "In a strong retail market, turnover of existing retail space will be a more important factor in increasing retail choice and sales than new development." He applauded the work of the Advisory Committee but believed heights are not essential and the hills should not be given up for increased heights.

TOR MCLEAN, President of the Secluded Valley Homeowners Association, said they discussed the subject at their annual meeting, and they are not interested in changing Lafayette in the recommended heights and densities and felt that a vote of the people was a great idea.

MAEVE PESSIS, Lafayette Homeowners Council, said other cities may have grandiose ambitions, but what gives Lafayette significance is its semi-rural charm and low key lifestyle. Despite comments from the DRC, issues the public disapproved of at the public workshop include

increased height, increased densities and setbacks, more traffic with more parking, and the ordinary-ness of the design. An architect said at one public workshop that this design has been around 15 years and homogenized as our cities and the design is "any town USA". She said the public said, let other cities cement themselves in and diminish their views, but this is not Lafayette. The Planning Commission has not finished deliberations on the plan and she asked to allow them time to assess the plan to determine its use, especially since residents already like the General Plan. She said a frustration is the amount of input given without feedback from WRT or adjustment to the plan, as well as WRT's start with the maximum allowable height and moves, asking for more compromise. She felt the decision should be guilt-free and she asked not to force residents to wear the plan for 30 years just because it owns it and paid a lot for it. She asked not to use the RDA to force ourselves into becoming an urbanized community that Lafayette is not.

Mayor Tatzin said many people have commented about the fact there has been no re-draft of the plan that has returned. He said if they updated it every time a comment was received, the budget would have been expended. He said people should not assume their comments are lost and WRT already recognizes that a number of things that were in the early versions of the plan will not carry into the final draft and it is this process that will determine what the next draft of the plan is.

GABRIEL FROYMOVICH, Executive Director, Lafayette Taxpayers Association, thinks all members of the association have concerns about density, but questioned that in order to maintain the improvements the DSP is proposing, the City will be taking $400,000 a year from general fund property tax revenue growth for maintenance. He noted that 15% of residents live on failed roads and voiced concern that funds would go to a downtown plan that has received a lukewarm reception, and did not believe this was fair. He felt it was incumbent upon the City to keep roads in good repair and if $400,000 is being diverted that should go to roads, then he was disappointed.

Mr. Stickley said of concern throughout the process was the ability to have funds to maintain operations and maintenance costs, said there are only certain funds that can be allocated toward non-capital improvements and one area funds can be used is property tax revenues. He clarified that the property tax growth is for new development downtown so they are not targeting tax growth anywhere else and the taxes that are generated from new downtown development would be used to maintain new downtown public space.

Mr. Froymovich said he believed RDA money had to be dedicated to that anyway. Mayor Tatzin said the tax increment through the life of the RDA goes to the RDA except for some portion that gets passed back to the original agency, of which Lafayette is not one. So, the City does not get tax increment from downtown growth until some time after all RDA debt is paid off, so Mr. Froymovich is correct. There may be other revenues generated by additional development, such as enhanced sales tax, but this has not yet been factored in. One thing to review is financing strategies for all of the new improvements.

TOM WHITTEN commented on the effects of the DSP on his property which is the Diablo Foods building and lot. He did not agree that the building should be moved up the sidewalk because:

1) There is a major creek which runs from the property line between Diablo Foods and Longs Drug Store at Mt. Diablo Boulevard and then goes diagonally in front of Diablo Foods, and then goes down the driveway at Dewing. To put a building over this large concrete pipe was not permitted by the County when the building was built. Therefore, the building was built on the back of the lot;

2) The redwood tree is a great feature in the downtown, particularly when it is lit for the holidays. Moving the building would destroy the visibility of the tree and the tree itself;

3) He noticed that in traveling to Las Vegas, most of the new shopping centers were built like Happy Valley Plaza, with parking in front of the stores. Shoppers prefer to see spaces before driving into the lot, and they can also see hills this way;

4) Having the parking lot in front gives an open air feeling whereas a solid row of three-story buildings at the sidewalk would give a closed in feeling, and rebuilding a building would be extremely costly. He appreciates the work of commissions, but suggested a commission be developed of affected property owners who own businesses and pay property taxes, since they are the people most affected and without a voice.

SHAWN KELLY said he lives on West Road and a neighbor of Councilmember Anderson, and suggested locating higher density, affordable housing in areas where the old Dodge Butler Conte lot is which would not cause a negative affect on existing neighborhood communities. He said most often children do not have a place to play in these types of developments, and this is why parks need to be developed. He did not see any comment on this and he questioned residential families that need affordable housing that exists, which often are torn down and eliminated.

JOAN BRUZZONE echoed Tom Whitten's comments about the representation of the affected property owners, said if it had not been for Jay Lifson, she did not think private property owners would have had a chance to meet with the City to express their concerns. She said Mr. Lifson sent out written notifications and she did the same and also knocked on doors in the Golden Gate Way area and it was amazing how many property owners did not feel respected after they tried to voice concern over issues. She felt it was important for everyone to realize that the Constitution is based upon private property rights and when making considerations, they are very much a part of the planning process and not to be considered secondarily. She discussed driving behind a bicyclist along Mt. Diablo and briefly discussed the impacts they have on congestion.

Vice Mayor Andersson noted that markings on the roadway are not there to allow bicyclists to use the roadway, as they have that right anyway; they are to warn bicyclists and motorists that they are sharing the lane.

CLIFF TONG said he heard many good ideas as well as concerns, felt it would be interesting to return to the survey conducted in 2007 and review what the public's concerns were and how this plan addresses those concerns. He referred to questions:

1) What are your opinions about the following items? Three things came up more than any others—affordable housing choices, ease of driving to and between places, and ease of parking.

2) List the importance of possible improvements—Only 3 items were greater than 80% as very important—reduce traffic, better architecture/building, and off-street parking.

3) What additional uses would you like to see? 1. Entertainment; 2. Quality restaurants; 3, 4, and 5. Retail; 6. Community service; 7. Housing.

Mr. Tong said housing was last on the list, which tells him the community is very happy with what is there. If you are going to change something it should be for the better and it better address traffic and parking. He thinks what was mentioned about a minimal amount of traffic analysis that is tied to what is in the General Plan as opposed to comparing it to what is there now, must be

dealt with. He felt there were good ideas in the plan, but he was looking for something as a compelling reason to change the General Plan. He has problems with the density and height changes, as well as reduced parking requirements. A flaw is in the economic analysis, where the basic assumption behind it is that we need to encourage development in the downtown area by raising heights and increasing density, by encouraging property owners to want to do that development. If you change it and improve and give those entitlements it will increase the value of those properties right away. So, in looking at economic feasibility, they will look at the cost of acquisition of those properties and if entitlements are given by changing the General Plan, it will already raise property values and will make new development less feasible than more feasible, and this should be re-reviewed.

SUSAN CALLISTER said when WRT gave their presentation, they mentioned time and again, "when the area is redeveloped." They never once mentioned the term semi-rural. When the Council spoke, semi-rural was mentioned, all of the "goodies" were mentioned to make the town nicer such as creeks and walkways, but no one once mentioned redevelopment, redevelopment money, or eminent domain. And higher density downtown will increase traffic. Therefore, if you are going to have a redevelopment agency and it gets money, 20% of the money needs to go to housing. She asked the Council to confirm that because there will be about 1,000 units downtown; In order to build the "goodies" with redevelopment funds, we must do the housing.

Councilmember Anderson believed a certain percentage must be housing. Mayor Tatzin said if the City got all of the money proposed, it would build 100 units, so there is no connection between the 1,000 units that is allowed for in the draft plan and the redevelopment, as it would not begin to build all of the units. Ms. Callister questioned what percentage of redevelopment money has to be dedicated to housing in the redevelopment area. Mayor Tatzin said 15% must be dedicated to housing, and whether it is in redevelopment or not is separate, and he did not believe the 15%, if redevelopment money, did not necessarily need to be used in the redevelopment area.

TRACI REILLY said she likes the heights low, likes the way the downtown feels and does not want Lafayette to turn into an urbanized town. She agrees with comments made about housing and does not see the necessity to change density from what is in the General Plan. Traffic is a problem, as her children go to Lafayette Elementary and Stanley School, and she is on Mt. Diablo and Moraga constantly, and she happens to like her car and the fact that she can get to and from downtown without being stuck in gridlock. She is afraid that some of these plans being put forward, although they sound nice, are actually going to impede abilities of those who live outside the downtown to get downtown. Lastly, she said there is a campaign called Park Once and Walk, and she suggested getting rid of the parking meters. She sees them as punitive, create an atmosphere where people think they will get a ticket, and it discourages people to walk around.

Councilmember Anderson closed the public comment period.

Councilmember Anduri said the Council received a full report from the staff a year ago on what the Council could expect from the RDA in terms of funds. He asked that this update be provided so the Council knows what is out there in terms of the what part can be applied to housing and what is left for other investments. Secondly, he is concerned in the residential area with people coming who say they paid millions of dollars for their vacant parcel and therefore they must build a 12,000 square foot house to get their money back. He is concerned about this, too, with the downtown and felt it would be useful to hear from the consultants as to what the impact will be of making the changes, therefore increasing the value of downtown property, and therefore having people come to the City with development projects saying they must build at 45 feet, lot line to lot

line because they paid so much for the property. Increasing values through re-regulation may have unintended consequences.

Thirdly, he said one of the reasons the City got into this was to plan for the area around the Library, but he did not believe specific recommendations have come forward for the parcels, and he questioned if more specificity would be provided.

And, finally, the Planning Commission requested that they be afforded an opportunity to comment on a new draft before this goes into the EIR process, and he confirmed this was not being offered.

He said the Council will adjourn to a full day's meeting on Saturday, May 9, 2009 at the Stanley Middle School at 9:00 a.m.

6. ADJOURNMENT

ACTION: It was M/S/C (Andersson/Federighi) to adjourn to the Regular City Council/Special Redevelopment Agency Meeting at 7:45 p.m. Vote: 5-0-0. (Ayes: Tatzin, Andersson, Anduri, Federighi, Anderson; Noes: None; Absent: None).

APPROVED:

_____

Don Tatzin, Mayor

ATTEST:

_____

Joanne Robbins, City Clerk

City of Lafayette
City Council Regular Meeting
Redevelopment Agency Special Meeting

MINUTES

Lafayette Community Center – Manzanita Room
500 St. Mary's Road, Lafayette, California

April 13, 2009
8:00 p.m.

1. CALL TO ORDER

Mayor Tatzin called the meeting to order at 8:00 p.m.

2. ROLL CALL

Present: Council Members: Mayor Tatzin, Vice Mayor Andersson, Councilmembers Anderson, Anduri and Federighi

Absent: None

Staff: Steven Falk, City Manager; Tracy Robinson, Administrative Services Director; Ann Merideth, Community Development Director; Niroop Srivatsa, Planning & Building Services Manager; Donna Feehan, Administrative Analyst; Gonzalo Silve, Finance Services Manager, Mala Subramanian; City Attorney, Joanne Robbins, City Clerk

3. PLEDGE OF ALLEGIANCE – led by Mayor Tatzin

4. ADOPTION OF AGENDA

ACTION: It was M/S/C (Anderson/Federighi) to adopt the agenda. Vote: 5-0-0. (Ayes: Tatzin, Andersson, Anduri, Federighi, Anderson; Noes: None; Absent: None).

5. PUBLIC COMMENTS – None

6. PRESENTATIONS – None

7. OLD BUSINESS

A. Steven Falk, City Manager and Tracy Robinson, Administrative Services Director Mid-Year Budget Update and 5-Year Budget Model
Recommendation: Consider 5-Year Budget Model and Budget Target Direction for FY2009/10

Councilmember Anduri referred to the staff report and reference to the source of income assumptions, page 2, $400,000 increase in Waste Management franchise fees and the damage being done to the roads. He said the staff report states, "Staff now presumes that these funds will be used to fund the annual $1 million contribution to the road repair program." He believed that when the franchise fee was discussed, it was supposed to be in addition to the $1 million set aside for the roads. He asked that this be addressed in the budget presentation. Councilmember Federighi agreed and said this was her understanding as well; that this was over and above the

$1 million put aside for roads. Mayor Tatzin, Vice Mayor Andersson and Councilmember Anderson also agreed.

City Manager Falk said staff does not typically come before the Council in the third quarter and provide a budget update. The Council typically considers the budget in late May for the new fiscal year beginning July 1st, and again in December. This year because of the changing economy, the Council directed staff to bring a budget update back once staff received better information about how sales taxes were tracking and how police expenses were changing. The purpose of the meeting tonight is for staff to present a revised 5-Year Budget projection and to hold discussion with the Council about expectations for the next fiscal year.

Mr. Falk showed an Excel budget model, that presented the actual beginning fund balance for the General Fund as of July 1, 2008 in the amount of $8.7 million. To this, a variety of revenue sources will be added: property tax, sales tax, revenues from the state, franchise taxes, investments, hotel tax, property transfer tax, miscellaneous fees and planning fees which total $12.2 million. By adding the $8.7 million to the $12.2 million, there is total of $20.2 million. He then presented uses of the money: Police, Public Works, Administration, Council and Commissions, Planning and Engineering and Expenses. The budget approved by the Council suggests we will spend roughly $9 million this FY and transfer almost $2 million to other programs: $1.2 million to CIP, $120,000 to Library operations, $275,000 to Core Area Maintenance, $200,000 to insurance. Total uses therefore are $10.9 million which gets us to a projected ending fund balance of $10 million. The $10 million moves up and the process begins all over again for this current fiscal year.

Regarding sources, Mr. Falk said the City received about $3 million in property taxes which is the largest revenue source, and even a small change can make a big difference over time. Ms. Robinson and he have done detailed projections and believe that property taxes will continue to increase fairly vigorously even given the property downturn. This is because Lafayette is stable in its population. They believe that 4%-6% of homes turn over every year and on average, people stay in their homes for about 20 years. Therefore, many homes have very low assessed values, but whenever a house is sold and purchased, there is a large increase in the assessed value for the property. Staff believes those increases swamp any decreases seen from those moving out of the City. Lafayette differs from East County cities because it does not have a lot of new development. He said about 100 houses in total were added over the last few years. Therefore, there is not a large opportunity for homes to be re-assessed at a lower value. Staff also does not believe the City is at risk for lowering property tax levels in large tracts of homes.

Encouraging data from the last fiscal year from the County which ended in August indicates there were 19 cities in Contra Costa County, 17 cities experienced an overall decline in total assessed value, and only two cities experienced an increase which was Orinda at 2% and Lafayette at 6%. Therefore, staff projects a 3% increase over the next 5 years, which is just slightly above the statutory 2% increase allowed by Proposition 13.

Mayor Tatzin questioned the differences between Orinda's 2% and Lafayette's 6%, and Mr. Falk did not know and said there would not be commercial development because the property taxes accrue to the redevelopment agency and not to the general fund. Mayor Tatzin felt Orinda might be more representative of what Lafayette might experience in a few years. Vice Mayor Andersson said Orinda has a few communities with relatively small homes and lots, which actually turn over faster.

Mr. Falk discussed revenue sources, stating sales tax has been a historically important revenue source which makes up 25% of the City's budget. Staff was concerned with receiving the 4th

quarter statement and said sales tax was only down by $50,000 on a base of $2.6 million, or less than 2%. The big generators like restaurants and grocery stores are places where people continue to shop. He said Lafayette is differentiated from many other cities like Walnut Creek, Pleasant Hill and Concord because it does not have a regional mall, auto mall, or dealer, big box stores, so during the good times the City does not benefit from a great economy, but during the bad times, they do not experience the same declines in sales taxes.

Staff is projects a 5% decrease in sales tax for 2008/09, which is exceptionally conservative. This presumes sales tax goes down in the first and second quarter of 2009. The Chamber of Commerce Board indicates that sales taxes are down, but Diablo Foods and restaurants are still doing well. They believe the -5% is very conservative, and out 5 years, a slow recovery of 1% each year in sales tax.

Regarding revenue from the State, the "triple flip" should increase at the same rate property tax increases, and they are presuming a 2% increase.

Franchise taxes are presumed increasing by 2% over time, but the one time bump of $400,000 will occur in the next fiscal year. They believe investments will drop by 40%, thereby assuming a 0% increase. Hotel taxes have been a great revenue source for the City, but staff anticipates a 9% decrease, a 5% decrease next year, and then a slow 1% recovery for the next four years after that. Property transfer tax, miscellaneous fees and planning fees are small or flat for the next 5 years.

Councilmember Federighi said the City just raised walkways fees and park maintenance fees, and she questioned if these were included. Mr. Falk said those go into a special fund which can only be used for those purposes.

Regarding uses, staff has ordered them in descending numbers with most expensive being Police at $4.3 million. He said they met with the Sheriff and received bad news—the county has done a poor job at planning and funding their retirement system, they have a new County Administrator who is determined to have their retirement system fully funded over the next 5 years. The upshot is that for each deputy we contract for, the City pays a portion for salary, retirement, and others. Staff attended a meeting with the Sheriff's office two weeks ago and learned it was the County's intention to increase the retirement portion for every sheriff's deputy and sworn officer by 15% a year beginning in 2010 and 2011 for each of the following five years. At the end of that period, the amount the City will pay for retirement of each officer will exceed the amount paid in wages. Frankly, he said this is unsustainable. The Sheriff's Association has been in negotiations with the County on a salary and benefit package for two years, and they are projecting a flat increase of 3% because the County has not settled with the DSA on the new wage and benefit package, and do not expect to reach agreement before the end of this fiscal year. Starting in 2010 and 2011, staff knows for certain that the retirement portion will increase to 15% but they have no idea what the inflation rate for all other factors that make up a Sheriff's Deputy will be.

Therefore, he and Tracy Robinson ran numbers and think a conservative assumption is a +12% increase; 3% for next year in police services, and 12.5% increase for each year out thereafter. He said if you take the $7 million in 2013/14, this will make up 50% of the City's budget, which compares to 33% 10 years ago. Unless the City addresses this issue of rising police costs, everything else will not matter, as the numbers are unsustainable. Luckily, the Council had the foresight to contract with an independent consulting firm to do a study of alternative police services; Matrix Consulting.

Councilmember Anduri said in going from last year to 6 years out, cumulative revenue sources increased $900,000, and the Sheriff's increase is $3 million. Mr. Falk agreed and said this is the Tsunami and the Council needs to determine whether to deal with the umbrellas on the beach or take protective measures.

Mr. Falk said expenditures for Public Works, Planning and Engineering, Administration presumes a 5% increase over time, and expenditures for Council and Commissions presumes a 4% increase.

Councilmember Federighi questioned why increases for Administration is 11% and Planning and Engineering is 21% this year. Mr. Falk said this is based upon actual expenditures this year so far. Ms. Robinson said she believes that for Public Works, this year there was emergency slide work that needed to be done at $300,000 but this was taken out in 2009/10 so it would not increase at 5%. For Planning, there were specific studies planned and she would have to look further into the budget. Mayor Tatzin felt the bigger question is that it sets a new base for the rate of inflation for both of those. Mr. Falk said he wanted to keep focused and this is a $200,000 issue in a $12 million budget, and he agreed this could be addressed by Ms. Robinson.

Mr. Falk said after funding basic operations, money is transferred out to do other work—public facilities, capital improvement programs, stating that $1 million has been transferred for roads several years in a row. In this fiscal year, additional funds were reserved and it shows at $1.5 million,. He said when staff gets to the modeling portion of the workshop staff can plug in higher numbers to see how the fund balances wind up if we presume the additional $400K in franchise fees are applied on top of the $1M already budgeted.

Regarding library operations, staff presumes the City will continue the same rate of $115,000 and increase by 5% a year. Mayor Tatzin noted that in agreements they have in the Library Foundation, we said we would put in this amount plus inflation.

Regarding Core Area Maintenance, Mr. Falk said there is a decline from $275,000 to $225,000 due to the Council's decision to skim off $100,000 from the parking fund each year to fund core area maintenance.

Mr. Falk discussed assumptions, stating last year, the Council had a projected ending fund balance of $10 million which equaled 91% of general fund expenditures. This year the City is looking at a projected ending fund balance of $9.5 million, or 78% of expenditures, and the percent of General Fund expenditures drops down in 2010/11 when the higher Sheriff costs kick in from 78% (2010/11) to 66% (2011/12) to 50% (2012/13) and to below 50% (2013/14).

On one hand, staff believes revenues are fairly stable given a 2% increase over time, as well as expenditures, but it is the Sheriff costs that represent the greatest threat to the City.

Mayor Tatzin requested plugging in $1.4 million into the CIP starting in 2009/10 to see what this change would do, which shows the City stops meeting the reserve standard one year earlier.

Councilmember Anduri said the last time the Council looked at numbers in December, Ms. Robinson was projecting a little over $1 million surplus for this fiscal year, and now it is shown as a minus $504,000? Ms. Robinson said the surplus is the difference between revenues and expenses, so that presumes that of the $1.4 million, we use up $500,000 of that reserve, which is carried forward. She said the City will still be at 78% of general fund expenditures; the surplus or deficit just means the City is spending $500,000 more than it is bringing in, thereby depleting that

$1.4 million over target number. We are still assuming that by the end of the fiscal year, we will have $1.4 million in reserve over the target number.

Ms. Robinson referred to page 5 of the budget, stating the general fund target is assumed to end at $9.3 million and it is not a larger surplus as projected in the final budget.

Mayor Tatzin said assuming we had another $1 million in the surplus at the end of this fiscal year, it delays going red by one year. Therefore, the big decision is can the City figure out a way to dramatically reduce the rate of projected increase in Sheriff Department costs. If revenues grew 4% a year, it would add another couple hundred thousand which would help, but it would be risky to project it at 4% as opposed to 2%.

Mayor Tatzin questioned whether there were other directions the Council wanted to give staff in thinking about the 2009/10 budget.

Councilmember Federighi questioned if staff had any particular recommendations, or whether staff was contemplating a reduction in police services. Mr. Falk said the consultants are capable and have re-engineered police services in 50 different cities and he believes the Council should wait to see what findings they make prior to making any decisions or assumptions. He said the timeline is at the end of June which is aggressive, so he felt it would be ready in July or August.

Councilmember Anduri understands the point, but he believed each expense item should be reviewed. He asked that before having the meeting on May 27th, a number of emails are focusing on the Planning Department and they are based on an assumption there is decline in revenue because people are not building as much. He felt this should be confirmed, and secondly, even if there is a decline, this would raise an issue of whether the City makes changes in staffing levels of that department or whether we use this as an opportunity to catch up on the numerous projects and studies the Council has not been able to put into the work plans. There are many things that staff has not been able to get to because of the existing workload, and this should be discussed.

Mr. Falk added that the planning fees may be leveling or dipping slightly, but there is not a big drop in fees one would have expected. He said some refinancing activity is occurring and people are using money to renovate, but largely, staff is seeing developers who are trying to get entitlements in place now so that when credit markets loosen up, they can build. For example, he said Councilmembers Federighi and Anderson have met with representatives from KB Home who are interested in building condos behind Panda Express. There was a recent study session to study a proposal for 50-60 condos next to Celia's Restaurant downtown. There is a proposal for a downtown office building next to the Veterans Building, so applications have not stopped. Meanwhile, there is a lot of work for planners to do. Once the DST is completed, it needs to be written into the Code and an entire zoning ordinance needs to be re-written.

Councilmember Anduri thanked Mr. Falk for his explanation and said the staff is great and unless the City had to do it, he would not want to lay off a person and then have to re-hire and train someone new soon after.

Councilmember Anderson suggested that since the City is not getting the revenue, a representation should be given on what the costs to the general fund for planning processes are which he felt would be helpful. He asked to obtain from the consultants before finishing the study some sort of conversion cost that occurs when you change, because the City could start to set aside those dollars or at least acknowledge where they will come from early. For example, if there

is a capital cost for new equipment, outfitting officers, or others because the sooner known, the better the City can plan, and Mr. Falk agreed.

Mayor Tatzin said there have been a couple of capital project construction bids come in well under the engineer's estimates due to the favorable bidding climate, which may apply to other lines of work. Periodically, Ron Lefler reviews the bids with some contractors, but he felt this would be a particularly good year to be aggressive with this to lock in some longer term contracts at good rates. He encouraged staff to do this before adopting the new budget. Secondly, he suggested a discussion to remind everyone what the agreement is with the Association of Lafayette Employees, what the salary review procedure will be, and what other communities are doing this year in terms of compensation adjustments for staff.

Mr. Falk said one reason Lafayette is in a good position is that there are very few cities that have roughly a $10 million reserve which is equivalent to 80% or so of the budget. It has a AAA rating and is the highest rated in the State of California due to the great conservative budgeting of the City Council and 40 years of predecessors. This is reflected by the agreements in place with employee contracts. He said most all cities have a pay system where there are automatic pay increases and steps based on seniority. The Council never embraced that regime and employees always have been paid on a performance basis. If they do not perform, they receive a zero percent increase. The Council establishes through negotiation, a contract that dictates with precision how the pay for performance system will work, and two years ago, the Council entered into a 3-year contract with employees, which expires one year from June. This contract said that there will be a multiplier of 2.5%; employees when evaluated, will get a rating from 0-3, and then the rating is multiplied by the contractual multiplier.

Mr. Falk also said from a retirement perspective, Lafayette does not participate in PERS or in any defined benefit program. There have been many articles in the newspaper about pay spiking and associated defined pension programs and referring to the Moraga-Orinda Fire District. Clearly, he said Lafayette does not participate in such a pension program. Employees receive a 401k program similar to corporate America. The agreement the Council has with ALE says that employees will receive 10% of their salary to be deposited into their defined contribution plan, and if they are willing to match another 5%, the City will match another 5%. So an employee can receive a maximum contribution of 15%. Employees have a variety of fund options from which to choose from, and employees have suffered at least or greater than Americans who are generally invested in the stock market. It is difficult when all other peers in cities have their retirement in a defined program. He said the typical employee increase averaged about 6% last year, and this would remain or be higher for next year.

Councilmember Anduri felt it was important for this message to get out; that Lafayette is different in the way it compensates employees, noting negative Contra Costa Times articles about city employees taking salary cuts of between 5%-10%. Mayor Tatzin commented that this is important for people to understand what the City does, and on average, people in the private sector will not get 6% increases, and most organizations do not provide a 15% contribution into a 401k plan plus social security benefits. Therefore, compared to other public sector agencies, we may under-compensate on benefits, we set salary schedules to be competitive, and compared to what occurs in the private sector they will be higher, and the complication is that if the projections prove to be too rosy; the options facing the Council are not good because it means either laying off good employees or having forced furloughs. Some furloughs were done last year, but many could be handled with vacations, but if the Council concludes it needs to reduce compensation by 10% and then raise it to 6% in July, it will make the pain later on harder to deal with. He felt there was time to think about whether or not we should ask the employees to re-open the contract and identify

what are the contingencies we can collectively work on. And, it may be determined we should continue with exactly what is being done, but he felt it was an important discussion to have.

Mr. Falk said he knows Orinda is in the middle of negotiating a new contract, Walnut Creek has $2 million deficit this year and projecting an $11 million deficit next year, and are targeting 0% increases, but was not sure what all other cities were doing. He said some cities have gone to 4-day work weeks, some cities have done lay-off's or have stayed flat like Danville.

Mayor Tatzin said last year when the Council received the results of the Finance Committee, one recommendation had to do with the future use of the Library. This decision was deferred, but it came in two parts—what to do with the building and what to do with the City Office reserve fund, which they felt did not need to be tied to the building because the City could use COP's to pay for the improvement and take the money and move it to the roads fund. He proposed discussing taking 50% of that reserve and moving it in to the roads fund for 2009/10 year, determine whether or not the City has enough engineering staff along with the others savings, or determine whether to do it in the following year.

Councilmember Anduri questioned if there was another reason not to move the money, and Mayor Tatzin said there was some uncertainty about the library, but he thinks the Council was so focused on the use of the building, the second part of the recommendation never was dealt with. For other reasons, another recommendation was not acted on which was to move the parking fund money to roads. However, he suggested taking half of the City Offices Reserve fund currently unencumbered and making it available to roads.

Mr. Falk said he and Mayor Tatzin differ on this issue because he does not like debt. He does not believe it is good for the City, he tries to avoid it, and we have tried not to use debt in the general fund. This said, he likes simple and understandable budgeting and he does not like debt. If the Council makes the decision to inhabit the old Library with City offices, his recommendation would be that it be acquired with cash and renovate it with cash so that when the project is finished, there is no outstanding debt for the building. He recommended delaying this decision until such point that the Council has agendized and has the conversation about disposal of the old Library. Once this decision is made, the second decision is how to fund the acquisition and improvements.

Councilmember Federighi questioned if the discussion could be held at the end of the public workshop, as the Council wanted to defer the discussion about the use of the old Library until we weighed in on the DSP. The Council will have weighed in presumably by May 27th. Mayor Tatzin questioned if other Councilmembers wanted to discuss it on an upcoming agenda.

Councilmember Federighi said she would like to discuss it no later than May 27th during the budget workshop discussion, but she said the issue has not been raised much interest. Vice Mayor Andersson said the Senior Services Commission last week was split as to whether or not they wanted a senior center downtown or not and there was no consensus, and therefore, he would like the matter discussed.

Mayor Tatzin asked that the City Clerk add discussion of the matter to the May 27th agenda. Councilmember Anduri said it is not so much an issue as to whether the Senior Services Center is located here or in the downtown, but rather it is the library building. His point at the previous meeting is that the Council should hear alternative uses for the library building, and one suggested has been a senior center. However, he has not seen this raised and he questioned whether the use of the building has been considered or whether it fits into the plan for the downtown area. Vice Mayor Andersson said he did not recall it being discussed at any great

length, except for looking at the district lines and the civic culture center and whether the building is included. Ms. Merideth said the draft plan calls for the old library be used for City offices explicitly. Councilmember Anderson agreed, but said there was not a great outcome or list of options presented. Going into it, there was concern from seniors that it could be a good facility for them, but it did not come up in the process.

Councilmember Anduri said he still has a sense that at some point, the matter needs to be agendized as to what happens to the building. Otherwise, if it is done as part of the budget, he felt it might not garner much attention. Mayor Tatzin said he would ask that it not be part of the budget discussion but rather a separate agenda item.

Councilmember Anduri said he also thought that the Council would also discuss other possible budget savings that the Finance Subcommittee identified at an upcoming Council meeting. Mayor Tatzin suggested holding this for the meeting prior to the budget workshop, or on May 11, 2009. Mr. Falk said this would be too late for the budget. He suggested discussing it either before the budget is prepared or wait until the Council receives a total budget, and he suggested, and the Council agreed, to discuss it at the May 26th budget workshop and discussing the Library re-use item on June 8th.

8. STAFF REPORTS - None

9. PUBLIC HEARINGS - None

10. CONSENT CALENDAR

ACTION: It was M/S/C (Anderson/Andersson) to approve the Consent Calendar Items A, B, C, D, E, F, G, H, I, J, K, L, M and N. Vote: 5-0-0. (Ayes: Tatzin, Andersson, Anduri, Federighi, Anderson; Noes: None; Absent: None).

A. City Council Minutes
March 23, 2009
Recommendation: Approve.

B. Ordinance 582 regarding the SB 1045 amendment to the Lafayette Redevelopment Plan on the effectiveness and time limit to receive tax increment
Recommendation: Waive second reading of Ordinance 582 and adopt.

C. Letter dated March 24, 2009 from Mary Miller resigning from the Senior Services Commission effective May 9, 2009.
Recommendation: Accept with regret and schedule recognition.

D. Appoint members to the newly formed Charter City Committee
Recommendation: Appoint members to the Charter City Committee.

E. Appoint members to the newly formed Open Space Committee
Recommendation: Appoint members to the Open Space Committee.

F. Agreement relating for installation and maintenance of existing and new landscaping between property owners, Kent Gordon and the City of Lafayette, for property located at 7 Mountain View Place. APN 241-100-034

Recommendation: Accept agreement relating to installation and maintenance of existing and new landscaping and authorize the City Clerk to record.

G. **Agreement relating for installation and maintenance of existing and new landscaping between property owners, Gary La Verda and Frederica La Verda and the City of Lafayette, for property located at 938 Hawthorne Road. APN 233-170-017**
Recommendation: Accept agreement relating to installation and maintenance of existing and new landscaping and authorize City Clerk to record.

H. **1209 Cambridge Drive – Retroactive Request for Agreement between property owner Courtney Anderson and the City of Lafayette for Two Stone-Clad Pillars with Lights that Encroach into the Public-Right-of-Way. APN 246-182-001**
Recommendation: Approve the encroachment agreement and authorize the Mayor to sign and the City Clerk to record.

I. **Resolution 2009-23 Core Area Lighting District No. 1979-1 Approving the Engineer's Annual Levy Report and Declaring Intention to Levy and Collect Annual Assessments for FY 2009 / 2010**
Recommendation: Adopt Resolution 2009-23.

J. **Resolution 2009-24 Residential Lighting District No. 1979-2 Approving the Engineer's Annual Levy Report and Declaring Intention to Levy and Collect Annual Assessments for FY 2009 / 2010**
Recommendation: Adopt Resolution 2009-24.

K. **Letter of Support for Springhill Road Walkway Project Safe Routes to School Grant Application**
Recommendation: Authorize the Mayor to sign a letter of support for Safe Routes to School funding for a walkway on Springhill Road.

L. **Resolution 2009-25 Request for No Parking Anytime Designation on the Public Portion of Hillview Lane**
Recommendation: Adopt Resolution 2009-25.

M. **Agreement for Installation and Maintenance of Existing and New Landscaping between Jessican Notini and the City of Lafayette, located at 1306 Summit Road. APN 175-030-027**
Recommendation: Accept agreement and authorize the Mayor to sign and the City Clerk to record.

N. **Designation of City Manager to Award Stanley Boulevard and Warner Court Intersection Safety Project**
Recommendation: Delegate authority to the City Manager to award the Stanley Boulevard and Warner Court Intersection Safety Project, in an amount not to exceed the previously allocated budget of $68,000.

10. PUBLIC HEARINGS - None

11. COUNCIL/COMMISSION REPORTS

A. **Councilmember report on activities and consideration of matters a councilmember wishes to initiate for placement on a future agenda.**

Mayor Tatzin said for the meeting of April 27th, at the beginning of the year, the Council adopted 9 or 10 priorities which would be reported on periodically. He asked for the next meeting, a report on the status be given on each priority year to date and expectations for the rest of the year, and that each Councilmember be prepared to speak about his/her priorities.

Councilmember Federighi reported the Open Space Committee held its first meeting and will meet again in two weeks.

B. Mayor Don Tatzin

1. Moraga Center Specific Plan Final Environmental Impact Report (FEIR)
Recommendation: Authorize the expenditure of a maximum of $10,000 to hire TJKM Traffic Consultants to analyze the Response to Comments in the FEIR and suggest alternative options for mitigating traffic impacts.

Mayor Tatzin confirmed there were no questions of the Council on the recommendation, and there was no public comment.

ACTION: It was M/S/C (Anderson/Federighi) to authorize the expenditure of a maximum of $10,000 to hire TJKM Traffic Consultants to analyze the Response to Comments in the FEIR and suggest alternative options for mitigating traffic impacts. Vote: 5-0-0. (Ayes: Tatzin, Andersson, Anduri, Federighi, Anderson; Noes: None; Absent: None).

2. Allocation of $5,000 Arts Grant to Town Hall for Flood Repair
Recommendation: Direct staff to increase fund 11-110-853 by $5,000 for Arts Grant to Town Hall for Flood Repair.

Public Comments:

DENNIS EUROKAN thanked the City, stating the Town Hall has gone through a transformation to ready for shows, they moved the theater education program to the Butler Conte Building who were wonderful enough to tell us that until the theater is put back together, and they can have their entire showroom and offices for free. He said it was a pleasure to be a member of the community and see all of the wonderful things to help them get through this. One of the most important things is that Lafayette loves its kids, they have the most comprehensive program in Contra Costa County and have won awards for it.

Mr. Falk said if the Council approves this item, he questioned if the funds should be sent to the Lafayette Improvement Association or Town Hall Theater Company? Mr. Eurokan said they would prefer receiving it through the Town Hall Theater Company so it can be put to use immediately, but either way, it will be spent for the same things.

ACTION: It was M/S/C (Anderson/Anduri) to direct staff to increase fund 11-110-853 by $5,000 for Arts Grant to Town Hall for Flood Repair and be sent to the Town Hall Theater. Vote: 5-0-0. (Ayes: Tatzin, Andersson, Anduri, Federighi, Anderson; Noes: None; Absent: None).

12. WRITTEN COMMUNICATIONS

A. Letter dated March 15, 2009 from Rhonda James, Executive Director of the Community Violence Solutions, requesting a proclamation recognizing April as Sexual Assault Awareness Month.
Recommendation: Discuss and direct staff.

ACTION: It was M/S/C (Federighi/Andersson) to adopt a proclamation recognizing April as Sexual Assault Awareness Month. Vote: 5-0-0. (Ayes: Tatzin, Andersson, Anduri, Federighi, Anderson; Noes: None; Absent: None).

B. Letter dated March 26, 2009 from Janet Madrigal, Clerk to the Board, Central Contra Costa Transit Authority Board of Directors, requesting Council appoint a Director and Alternate for a two-year term.
Recommendation: Discuss and direct staff.

Mayor Tatzin said former Mayor Horn is willing to continue and he is willing to continue as Alternate.

ACTION: It was M/S/C (Anderson/Federighi) to re-appoint Erling Horn as Director and Don Tatzin as Alternate for a two-year term to the Central Contra Costa Transit Authority Board of Directors. Vote: 5-0-0. (Ayes: Tatzin, Andersson, Anduri, Federighi, Anderson; Noes: None; Absent: None).

C. Letter dated April 2, 2009 from Jay Lifson, Executive Director, Lafayette Chamber of Commerce, requesting Council consideration 1) Amend the 2009 Stimulus Plan to waive parking requirements for existing small businesses under 1500 square feet 2) Permission to lease the current Lafayette Library parking spaces to Chevalier once the new library opens and city assumes ownership of said property.
Recommendation: Discuss and direct staff.

Public Comments:

JAY LIFSON said he sent letters to the Council hoping to be agendized and thanked the Council for having it heard. The Chamber thanks the Council and staff for coming up with the stimulus package to help small businesses. He asked again to use some compassion in their request to add one more item to the package—to allow small businesses to waive or reduce parking requirements currently in place in order to improve business. He referred to Chevalier Restaurant which opened last year on Moraga Road. Their lease prohibits them from opening for lunch, which has been difficult for the owner. Mr. Chevalier came to the Chamber for help to find parking and nothing has panned out with the economy getting worse. His business has since dropped 40%, he has been monitoring spaces in his lot and there are always spaces during the lunch hour that are vacant, but per requirements, he does not qualify to be able to open. He said for businesses that are 1,500 square feet or less through December 31st, the Council consider waiving parking requirements so a business can make it through the year.

Vice Mayor Andersson questioned how many other businesses would fall under this category, and Mr. Lifson said he was not sure if there were any, but they were approached by the Chevalier's and want to try and help. He said when the Library closes, he has suggested that the Chevalier's contact the City to secure some spots in their parking lot.

Councilmember Federighi questioned if this would allow other restaurants that cannot open for lunch or businesses that has purchased a business but now cannot open due to not being grandfathered in after 120 days. Mr. Lifson said the Council made it clear that it would not go back in time for that requirement; and this year the Council was waiving the 120 days as long as they notified the City and any changes were done before the end of the year. He did not have another business designated that would benefit from this program.

Councilmember Federighi questioned if other merchants have been notified. Mr. Lifson said he has not, but said there was a good review of the number of spaces during the day which revealed 6-10 spaces to be used. Other businesses use the parking lot at night when they are open, and he said there is always ample parking there. Councilmember Federighi said she did not believe it would be fair to other merchants unless they agree to it, because it could impact their businesses. She questioned who it was had offered their lot and she questioned if there were spaces available there.

Mr. Lifson said this lot is at Lafayette Circle, which operationally could not work due to its distance from the restaurant, and the lot is being used by Postina Restaurant at this time. Mr. Lifson said they went to all property owners to use the lot and Chevalier was denied at that time.

Councilmember Anduri questioned if this was a lease or regulation issue. Mr. Lifson said it is a regulation issue as well as a lease issue, because the lease states they cannot open for lunch due to non-use of parking during the day.

BRIAN MULRY, Gagen McCoy, Danville, said he has worked with Allen Moore and they have not yet looked at the lease. Their procedural concern is that if there is any decision that would negatively impact Philippe Chevalier, who they represent, that no final decision be made tonight and they be given an opportunity to work with City staff, go to the Planning Commission and have an appeal opportunity. They would like to see a favorable decision, and it is his understanding that they would need about 12 spots in addition to what they have, but they have not yet reviewed the lease.

Mayor Tatzin said any action the Council takes would only be favorable.

GILBERT SONET said he is the former owner of Chevalier's restaurants in Danville, Walnut Creek and Pleasanton, and said before Walnut Creek built up parking along Main Street, they have been very successful, but they could not stay open due to only having a few parking spots in front of the restaurant. He said Philippe and his family live in Lafayette, they want to be part of the community, and asked for a chance to keep his business open. He said the requirement is not contained in the lease, but only because of the City's regulations that he cannot open during lunch.

MICHAEL HELLER said it is nice to see a nice French restaurant in town, to have someone who lives and participates in the City, buys a house here, knows it is difficult for the City to make exceptions but the family brings something great to the City and he asked for approval of the request.

Councilmember Federighi confirmed Mr. Heller did not discuss it with any other merchants.

GRETCHEN CHEVALIER, introduced her husband, Philippe, assured the Council they have done everything they can to ensure the success of their restaurant, they have been well received, have had terrific reviews, take part in local events, responded to the economic downturn by offering a fixed price menu, have tried to adapt and feeling that the lunchtime service is what saves their business. Personally, she would not ask this if they believed it would create a hardship for any other business. There are 3 hours between 5-8 p.m. when all four businesses are opened with sufficient parking during the evening hours and during the lunch service, a minimum of 10 spaces would be available and they would need 11 to open for lunch. The remaining spaces are occupied by employees and they would have their employees park outside the lot, causing no impact to

business neighbors. They have to turn down lunch reservations every day and is confident opening for lunch would help their business tremendously.

Mayor Tatzin questioned what their long-term solution would be to the problem and Ms. Chevalier said they will need to piece this together and hopefully have good news over the next months. They toyed with the idea for a library space, which would be temporary until they find a more permanent space, but if they could get through December, it would help their business but they will cross that bridge once they come to it.

Councilmember Anderson questioned if the issue was a City ordinance versus the lease and questioned if they approached neighbors for their support.

Ms. Chevalier said it was a City ordinance and they have the support of the property owner and manager. They agree with the need to would check with neighboring businesses, but thus far, they have documented what they have found as existing available spaces in the lot. Councilmember Anderson suggested getting something in writing from neighbors, and noted this would affect all businesses in the City, so it is a little more complicated.

Councilmember Federighi said the attorney has asked that the decision be postponed, but Mayor Tatzin noted he was willing to allow the Council to approve it as well. Councilmember Federighi asked that it be continued because she felt it was critical to notify other businesses and get a response from them, and Ms. Chevalier said she understood this.

JESSE WELLEN, Chamber of Commerce Boardmember, owner of the Lafayette Car Wash, said he has been to every restaurant and often to Chevalier which has great food and ambience, it is one of the best restaurants in town and people come from far away to eat there. He acknowledged parking issues in town which makes it tough for a merchant, but we are in an economic recession with 8-9 empty stores, and he said if not allowed, they will have another vacancy.

Councilmember Federighi questioned if other businesses who might be in a similar position, and Mr. Wellen said he did not know of any.

DENNIS EROKAN said during the day, he runs a company that markets cities and towns and is on the Board of the Downtown Association. Every downtown states there is not enough parking, yet the world continues. Secondly, one of the biggest brand negatives of a downtown is closed restaurants. He spoke of the great restaurants in Lafayette, and supported the request, and said he would be glad to come up with a space for them.

Mayor Tatzin questioned how long it would take for the restaurant to open for lunch if approved, and Ms. Chevalier said they could open tomorrow.

City Attorney Subramanian said she recommended bringing back a resolution and would need to determine whether CEQA applies because of the loss of the parking currently required and its impacts.

Councilmember Anduri supported the request and cited decreased economic activity, but said in order to do it, at the next meeting the Chamber should publicize this to all businesses as there may be problems associated with it. He asked if staff should contact the tenants next to the restaurant and suggested there be notice of the request. Mr. Falk recommended the Council

direct Mr. Chevalier to obtain written permission from each of the other tenants and bring it to the Council at the next meeting.

Councilmember Anduri questioned if this was something the other tenants could veto, and felt it was more of a public policy issue. Mayor Tatzin said the request is to change the City's policy which could affect other businesses, and acknowledged the proposal was only to the end of the year. He also said it was also too early to discuss leasing spaces at the old library and encouraged the Chevalier's to find other alternatives.

Councilmember Anderson confirmed that the Council is directing staff to return with a resolution and in the process, there may be a chance for investigation as to the impacts across the City, and the recommendation should take this into account.

Mr. Falk said there are more 1,500 square foot vacancies in town, and staff would need to identify whether this would apply to a new tenant seeking to move into a vacant space as well. Ms. Subramanian confirmed; however, that this only applied to existing businesses and not someone starting a new business.

ACTION: It was M/S/C (Anderson/Andersson) to continue the item to April 27, 2009, direct staff to return with a resolution that would adopt the policy, return with information on potential other affected businesses and impacts, waiving the parking requirements for certain categories of businesses as part of the City's economic stimulus package through the end of 2009. Vote: 5-0-0. (Ayes: Tatzin, Andersson, Anduri, Federighi, Anderson; Noes: None; Absent: None).

Councilmember Anduri said he believes that anyone who takes advantage of this should sign the acknowledgement that it only last through the end of the year.

D. Letter dated April 6, 2009 from Mary Ann Hoisington, Contra Costa County Library Commissioner, thanking the council for their continued support of the Lafayette Library & Learning Center.
Recommendation: Receive and file.

ACTION: The Council received and filed the request.

Convene Redevelopment Agency

ACTION: It was M/S/C (Andersson/Anderson) to convene the Redevelopment Agency. Vote: 5-0-0. (Ayes: Tatzin, Andersson, Anduri, Federighi, Anderson; Noes: None; Absent: None).

14. CLOSED SESSION

A. Conference with Real Property Negotiators (Government Code Section 54956.8)
Property: APN 241-010-031 (Risa Road)
Agency Negotiator: Steven Falk, City Manager/Executive Director
Negotiating Parties: Steven Falk, Ann Merideth, Niroop Srivatsa
Under Negotiation: Price and Terms of Payment*Adjourn Redevelopment Agency*

ACTION: It was M/S (Andersson/Anderson) to adjourn the Redevelopment Agency. Vote: 5-0-0. (Ayes: Tatzin, Andersson, Anduri, Federighi, Anderson; Noes: None; Absent: None).**REPORT ON CLOSED SESSION:**

Mayor Tatzin announced direction was given to staff in Closed Session.

15. ADJOURNMENT

The City Council adjourned at 10:15 p.m. to the next regular City Council Meeting on April 27, 2009

APPROVED:

_____
Don Tatzin, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk